

**MINUTES OF THE VIDEO CONFERENCE
OF THE
BOARD OF PHYSICAL THERAPY**

October 27, 2005

CALL TO ORDER

Vice Chairperson Karen Brown called the Video Conference of the Board of Physical Therapy to order on Thursday, October 27, 2005, 2:45 p.m. The Video Conference was held at the following sites: Lincoln Executive Building, Suite 103, 521 South 14th Street, Lincoln, Nebraska and Alliance Learning Center, Room 123, 1750 Sweetwater Street, Alliance, Nebraska. This Video Conference was duly publicized by distribution of the Notice of Meeting and Agenda ten (10) days prior to the meeting and posting the agenda at the entrance of the Department of Health and Human Services Regulation and Licensure at least twenty-four (24) hours prior to the meeting. The Video Conference was held for the purpose discussing the Uniform Licensing Law rewrite, and the Physical Therapy Practice Act..

Roll Call

The following Board Members and HHSS Staff participated in the Video Conference:

Karen Brown, Vice-chair
Susan Jeffrey, Secretary
Raymond Frew, Lay Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator

Absent: Wayne Stuberg

Approval of Agenda

Jeffrey moved, seconded by Frew, for adoption of the agenda. Voting aye: Brown, Jeffrey and Frew. Voting nay: None. Stuberg absent and not voting. Motion carried.

INVESTIGATIONAL INFORMATION (Closed Session)

Frew moved, seconded by Jeffrey, to go into closed session at 2:55 p.m. for the purpose of discussing investigational information and to protect the reputation of individuals. Voting aye: Jeffrey, Frew and Brown. Voting nay: None. Stuberg absent and not voting. Motion carried.

Out of Closed Session

Jeffrey moved, seconded by Frew, to come out of closed session at 2:57. Voting aye: Frew, Brown and Jeffrey. Voting nay: None. Stuberg absent and not voting. Motion carried.

UNIFORM LICENSING LAW

ULL Rewrite (Attachment A)

Hansmeyer discusses the proposed changes to the Uniform Licensing Law rewrite, (the document is also referred to as REQ0138) and the summary of changes. She stated that the summary information does not contain all of the changes to the proposed bill. The summary is designed to give the Board major changes to review and to give feedback before REQ0138 is finalized.

The following changes will take place in the Uniform Licensing Law rewrite;

The name of this document will be changed to the Uniform Credentialing Act because licensure, certification and registration are covered as well. The definitions for these three forms of credentials are found on pages 7, 9 and 10 of the REQ.

Page 3 lists all of the practice acts that are covered in the REQ. What that means is that these are the acts within this act.

Hansmeyer reviewed the changes, which are found on the summary sheets and gives information of why the changes are necessary and where they can be found in the REQ document:

Initial License - Gives the boards more authority, it changes the way things are worded to: "Board approves or the board adopts the regulations." The board would approve requirements for licensure such as; the education the person has to have, what examination they have to pass, if they have to have experience, and what type, the passing score they have to meet in order to pass the examination, and it give the boards authority to approve schools. The current language gives the department with the approval of the recommendation of the board. What is meant by this language is that the department and the board would have to agree and if they did not the change could not take place.

She referred the board to review Section 22(2) page 14, Section 55, page 61, Section 68, page 77, and Section 45, page 46 in the REQ document for more information on this subject.

Section 55 page 61 gives a definition of the purpose of each board.

Section 68, page 77 gives information on the Department's role as being responsible for the general administration of the activities of each of the boards.

Section 45, page 46 identifies that the cost of operation of the board should be paid from the professional and occupational credentialing Cash Fund and General Fund . The statement on General Fund is for Emergency Medical Services because they are paid from General Funds because they are volunteers.

Section 45 page 46 The language in this section for reinstatement is cross hatched. It was changed, but the boards like the current language. Therefore, the language will not be changed.

The following areas are those where the board has total decision making power.

Renewal: Biennial renewal is not a change and it appears on the summary because all of the practice acts have been added to the UCA for consistency purpose. Some groups are now added to this act that do not have biennial renewal at this time.

The 2nd part is that licenses will not longer be revoked for non payment of fees, they will just expire. Licensees did not like the term revocation because it will be on their record permanently and it appears as if the license was revoked for disciplinary reasons. Hansmeyer stated that research was done to find out what other states were doing and they found out that other states were not revoking licenses for this reason.

The 30 day grace period will be eliminated and the reason for this change is because it confuses licensees. It makes them think that they can continue to practice until the grace period is over. The only thing that the grace period allowed is for licensees to pay and meet continuing education requirements and since this is the case reinstatement does the same thing.

Eliminate the inactive fee, but not the inactive status. Individuals can choose inactive status at the time of renewal and not have to pay a fee. The reason for this change is that the fee wasn't necessary because there is no extra work to this process and it is the belief that fees should be paid to support cost and if there is no cost, then there should not be a fee charged.

Reinstatement will not change, except for people who were disciplined. If their license was revoked they could reapply for reinstatement after two years.

Endorsement and Reciprocity: Reciprocity in Nebraska does not mean true reciprocity. The word reciprocity means that if a person has a license in one state they can get a license in Nebraska or another state. The term which will appear in REQ is endorsement. It also eliminated the requirement to have practiced at least one year out of the last three.

Hansmeyer gave the Board new language to review for possible addition to the PT Practice Act. She stated that this language would eliminate a loophole, which I feel is currently in the PT statutes. C (1) is when a person get their initial license and 2 is when they are licensed in another state.

When they get their initial license you could have a situation where somebody actually pass the exam and finish their education so they meet your requirements for licensure, but they haven't practice in Nebraska for some reason and now they want to get a license. As the language is written now the State of Nebraska would have to give them a license.

The new language would give you the right to consider competency and if you feel that someone who hasn't practice for five years isn't competent, then this will allow you to write regulations that requirements them to meet competency requirement. This would be something that you require them to do to assure public protection and to make sure they are competent to practice before you give them a license. Hansmeyer asked the Board to look at the three year period.

Number is written for a person coming from another state/jurisdiction and also requires that continuing competency be met after a 3 years period of licensure inactivity.

Motion

Brown moved, seconded by Jeffrey, to accept the following new language for the practice act regarding licensure requirements for an initial license by education and for endorsement:

C.(1) any applicant who has met the education and examination requirements in 71-2803 and is not practicing at the time of application for licensure shall resent proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 41 of this Act.

(2) Any applicant who has a license in another jurisdiction who has met the requirements for endorsement in section 37 of this Act and is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 41 of this Act.

Voting aye: Jeffrey, Brown and Frew. Voting nay: None. Stuberg, absent and not voting.
Motion carried.

Board Role: Gives the board the authority to adopt the regulations without the Department's approval for initial licensure standards, renewal standards, passing score, course of study, defining unprofessional conduct and sending applications for reinstatement

Number 2 under Board role can be found in Section 31 on page 23 and this is where the board recommends to the Department on licensure and other administrative areas, the security of the examination, issuance and denial of licensure, and administration of the examination.

Board Expenses: the new requirements will compensation board members up to \$50.00 per day the Board can determine, persons who serve on an advisory committee can be paid for their expenses as well as a pre diem of up to \$50.00. so the nice thing about this is whenever you want to have a task force you can do so.

Board Composition: The ULL rewrite requires an additional lay member for boards with less than eleven members.

Hansmeyer explained the changes to the practice acts:

71-2803 (3) Deletion of "department on the recommendation of the." The board is now suppose to approve the examination;

71-2803.01 (3) Deleted **board**, because it is the department who issues a temporary license ;

71-2803.01 (c) Change this sentence to read "Has registered to take the examination";

71-2803.01 (3) Deleted, "the department may deny, revoke, limit, suspend, or otherwise discipline a temporary license or temporary certificate to practice physical therapy upon the grounds and in accordance with the Uniform Licensing Law." The reason that this was deleted is because UCA covers physical therapy, therefore it doesn't need to be in both places.

Repeal 71 2805 because old language no longer applies;

Deleted 71-281 (2) Old language no longer needed.

Changed 71-2807 because the Board shall adopt and Promulgate rules. Administration was taken out because this is not something the board will do.

Deleted 71-2809 "The Department of Health and Human Services Regulation and Licensure upon the recommendation of the" this was deleted because approve program is going to be approved by the board. (3) deleted the definition of the department because it is in the UCA. (4) was deleted because this is done by the board and not by the department.

71-2815 Deleted some language because it no longer applicable.

Repealed 71-2817 covered in UCA language is redundant; and

Deleted dates 71-2823 Deleting renewal dates in statute and just placing them in regulation so they can be changed if needed administratively.

Hansmeyer stated that the Department wants to ask each board how they feel about the changes and if they feel they could support the proposed changes in ULL as well as in the practice act. If not, what things are concerning you and if you have some concerns they would like to be able to address them before this bill is taken to the legislature.

Jeffrey stated that it is amazing that the processes are going to be simplified.

Motion on Changes to The ULL and PT Practice Act

Brown moved, seconded by Jeffrey, to approve all of the changes to the Uniform Licensing Law rewrite and the Physical Therapy practice Act with some new language added to Section 71-2803.01 (C), which will clarify when applicants should register for the licensure examination. Voting aye: Jeffrey, Brown and Frew. Voting nay: None. Stuberger, absent and not voting. Motion carried.

PT Videoconference
October 27, 2005
Page 6

ADJOURNMENT

There being no further business, the video conference was adjourned at 4:05 p.m.

Respectfully Submitted,

Susan Jeffrey, Secretary